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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/829,857	04/01/97	RIELEY J	002964-P001

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EXAMINER	
PEZZLO, J	
ART UNIT	**PAPER NUMBER**
2738	12

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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
08/829,857	Rieley et al.
Examiner	**Group Art Unit**
John Pezzlo	2738

☒ Responsive to communication(s) filed on *6 Jun 2000*

☒ This action is **FINAL.**

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire *3* month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) *19-26, 28-37, and 39-42* is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) *19-26, 28-37, and 39-42* is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____ .

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

I. Claims 19-26, 28-37, and 39-42 are rejected under 35 U.S.C. 102(e) as being anticipated by White et al. (US 5,933,490) hereinafter White.

White discloses an overload protection for on-demand access to the Internet that redirects calls from overloaded Internet Service Provider (ISP) to alternate ISP.

Detail claim analysis:

1. With respect to claim 19 - *A system comprising:*

a set of switches coupled to a circuit switched network for receiving a set of incoming call signals, wherein the incoming call signal includes an inbound address, wherein a switch in the set of switches redirects an incoming call signal from a first communications server to a second communications server if a first condition occurs; and,

White discloses a set of end office switches (SSPs) connected to the SS7 packet signaling network, the SSPs receive incoming call signals, wherein the incoming call signals includes an inbound address for an ISP provider. White discloses that the incoming call signal triggers an event wherein the signaling network directs the SSP to redirect the call from the first communications server (ISP) to a second communications server if a first condition occurs, refer to Figures 2 and 7 and column 5 lines 27 to 38 and column 12 lines 3 to 11 and lines 51 to 67 and column 14 lines 1 to 46 and column 16 lines 24 to 35 and column 17 lines 40 to 54 and column 18 lines 14 to 23 and column 19 lines 1 to 13.

a set of communications servers coupled to the set of switches for receiving the set of incoming call signals, each communications server being coupled to a network and containing a message processing resource configured to process a received audio message into a digital representation, wherein each communications server further comprises a trunk line interface to extract the inbound address and stores the inbound address, a set of final destination addresses and account status, and the message processing resource is further configured to determine, based on the inbound address, a user account and a destination on a packet switched network and send the digital representation to the destination.

White discloses a set of communication servers, STPs, ISCPs, and IPs which are coupled to the switches for receiving the set of incoming call signals, refer to Figures 2 and 7. The communication server includes a message processing resource configured to process the audio message into a digital representation, refer to Figure 4 and column 7 lines 54 to 65. The communication server comprises a trunk line interface to extract the inbound address, a set of final destination addresses and account status, a user account and a destination on a packet switched network to send the digital representation to the destination (ISP), refer to Figures 2, 4, and 7 and column 7 lines 54 to 65 and column 13 lines 55 to 65 and column 15 lines 13 to 35 and column 16 lines 4 to 11 and column 17 lines 40 to 55 and column 18 lines 14 to 23 and column 19 lines 1 to 13.

2. With respect to claim 20 - *The system of claim 19, where the first condition occurs if the first communications server sends a rejection signal to the switch.*

White discloses that the first condition occurs if all the numbers in the hunt group are busy and the call to the ISP is rejected, refer to column 5 lines 27 to 38.

3. With respect to claim 21 - *The system of claim 19, where the first condition occurs if the first communications server is unable to process the incoming call signal.*

White discloses that the first condition occurs if an equipment failure exists at the ISP which prevents the ISP from processing the incoming call signal, refer to column 5 lines 27 to 38.

4. With respect to claim 22 - *The system of claim 19, where the incoming call signal signals an incoming call and the first condition occurs if the first communications server is unable to process the incoming call.*

White discloses that the first condition occurs where an incoming call signals an incoming call and if all the numbers in the hunt group are busy and the call to the ISP is rejected, refer to column 5 lines 27 to 38.

5. With respect to claim 23 - *The system of claim 19, further comprising a system management unit for setting the first condition.*

White discloses that the AIN comprising the SS7 packet signaling network and STPs, ISCPs, and IPs comprise a management unit for setting the first condition, refer to Figures 2, 4, and 7, 9A-C, and 10 and column 19 lines 14 to 67.

6. With respect to claim 24 - *The system of claim 19, further comprising a system management unit, and the first condition occurs if the system management unit determines that the second communications server should receive the incoming call signal.*

White discloses the management unit and discloses the management unit based on data collected from the previous calls that the redirection threshold is exceeded causing all new calls to be redirected to the second communication server, refer to Figures 2, 4, and 7, 9A-C, and 10 and column 5 lines 1 to 12 and column 16 lines 47 to 67 and column 17 lines 33 and column 18 lines 14 to 67 and column 19 lines 14 to 67.

7. With respect to claim 25 - *The system of claim 19, where the set of switches includes a second switch, and the first communications server is coupled to the switch and the second communications server is coupled to the second switch.*

White discloses a set of switches wherein the first communication server is coupled to the switch and the second communication server is coupled to the second switch, refer to Figures 2 and 7 and column 6 lines 60 to 67 and column 7 lines 1 to 2 and column 12 lines 3 to 11.

8. With respect to claim 26 - *The system of claim 25, where the switch redirects the incoming call signal to the second switch.*

White discloses a set of end office switches (SSPs) connected to the SS7 packet signaling network, the SSPs receive incoming call signals, wherein the incoming call signals includes an inbound address for an ISP provider. White discloses that the incoming call signal triggers an event wherein the signaling network directs the SSP to redirect the call from

the first communications server (ISP) to a second communications server via the second switch if a first condition occurs, refer to Figures 2 and 7 and column 5 lines 27 to 38 and column 12 lines 3 to 11 and lines 51 to 67 and column 14 lines 1 to 46 and column 16 lines 24 to 35 and column 17 lines 40 to 54 and column 18 lines 14 to 23 and column 19 lines 1 to 13.

9. With respect to claim 28 - *The system of claim 19, where the inbound address is a circuit destination address.*

White discloses that the inbound address is a circuit destination address of the ISP, refer to Figure 8 and column 10 lines 30 to 67 and column 11 lines 1 to 67 and column 17 lines 34 to 67.

10. With respect to claim 29 - *The system of claim 19, where the message processing resource is further configured to validate the inbound address.*

White discloses that the SS7 packet signaling network validates the inbound address, refer to Figure 8 and column 10 lines 30 to 67 and column 11 lines 1 to 67 and column 17 lines 34 to 67.

11. With respect to claim 30 - *The system of claim 19, where the audio message is a facsimile message and the digital representation of the audio message is a graphics file.*

White discloses that the IP receives a facsimile message which is a graphics file, refer to Figures 2, 5, and 6 and column 9 lines 15 to 67 and column 10 lines 1 to 30.

12. With respect to claim 31 - *The system of claim 19, where the message processing resource further comprises a processor to:*

determine if the audio message contains a facsimile message or a voice message; and,

White discloses that the IP comprises a processor for determining if the audio message is a facsimile message or a voice message, refer to Figures 2, 5, and 6 and column 9 lines 15 to 67 and column 10 lines 1 to 30.

digitize the audio message if the audio message contains the voice message and receive the facsimile message if the audio message contains the facsimile message.

White discloses that the IP can digitize the audio message and receive the facsimile message, refer to Figures 2, 5, and 6 and column 9 lines 15 to 67 and column 10 lines 1 to 30.

13. With respect to claim 32 - *A method comprising:*

receiving a first incoming call signal destined for a first communications server for processing of an audio message into a digital representation;

White discloses that the end office switch receives an incoming call directed to an ISP, refer to column 3 lines 19 to 42.

determining if a first condition has occurred;

White discloses that the SS7 packet signaling network management units determine if the first condition occurred, refer to column 4 lines 15 to 21.

redirecting the first incoming call signal from the first communications server to a second communications server based on the determining of the first condition, wherein the incoming call signal includes an inbound address;

White discloses redirecting the call from the first communication server (ISP) to the second communication server (alternate ISP) based on the condition being met, refer to column 5 lines 27 to 38.

extracting the inbound address;

White discloses extracting the inbound address, refer to Figure 8 and column 10 lines 30 to 67 and column 11 lines 1 to 67 and column 17 lines 34 to 67.

determining, based on the inbound address, a user account status and a destination on a packet switched network; and,

White discloses that the SS7 packet signaling network determines the user account status based on the inbound address, refer to Figure 8 and column 10 lines 30 to 67 and column 11 lines 1 to 67 and column 17 lines 34 to 67.

sending the digital representation to the destination.

White discloses routing the packet data to the ISP over the packet network, refer to Figures 2, 4, and 7 and column 7 lines 54 to 65 and column 13 lines 55 to 65

and column 15 lines 13 to 35 and column 16 lines 4 to 11 and column 17 lines 40 to 55 and column 18 lines 14 to 23 and column 19 lines 1 to 13.

14. With respect to claim 33 - *The method of claim 32, where determining the first condition includes determining that the first communications server sends a rejection signal.*

White discloses that the first condition occurs if all the numbers in the hunt group are busy and the call to the ISP is rejected, refer to column 5 lines 27 to 38.

15. With respect to claim 34 - *The method of claim 32, where determining the first condition includes determining that the first communications server is unable to process the incoming call signal.*

White discloses that the first condition occurs if an equipment failure exists at the ISP which prevents the ISP from processing the incoming call signal, refer to column 5 lines 27 to 38.

16. With respect to claim 35 - *The method of claim 32, where the incoming call signal signals an incoming call and determining the first condition includes determining that the first communications server is unable to process the incoming call.*

White discloses that the first condition occurs where an incoming call signals an incoming call and if all the numbers in the hunt group are busy and the call to the ISP is rejected, refer to column 5 lines 27 to 38.

17. With respect to claim 36 - *The method of claim 32, where determining the first condition includes determining that a system management unit selects the second communications server for receiving the incoming call signal.*

White discloses the management unit and discloses the management unit based on data collected from the previous calls that the redirection threshold is exceeded causing all new calls to be redirected to the second communication server, refer to Figures 2, 4, and 7, 9A-C, and 10 and column 5 lines 1 to 12 and column 16 lines 47 to 67 and column 17 lines 33 and column 18 lines 14 to 67 and column 19 lines 14 to 67.

18. With respect to claim 37 - *The method of claim 32, where redirecting the first incoming call signal includes using a switch to redirect the first incoming signal from the first communication server to the second communication server.*

White discloses a set of end office switches (SSPs) connected to the SS7 packet signaling network, the SSPs receive incoming call signals, wherein the incoming call signals includes an inbound address for an ISP provider. White discloses that the incoming call signal triggers an event wherein the signaling network directs the SSP to redirect the call from

the first communications server (ISP) to a second communications server via the second switch if a first condition occurs, refer to Figures 2 and 7 and column 5 lines 27 to 38 and column 12 lines 3 to 11 and lines 51 to 67 and column 14 lines 1 to 46 and column 16 lines 24 to 35 and column 17 lines 40 to 54 and column 18 lines 14 to 23 and column 19 lines 1 to 13.

19. With respect to claim 39 - *The method of claim 32, where the inbound address is a circuit destination address.*

White discloses that the inbound address is a circuit destination address of the ISP, refer to Figure 8 and column 10 lines 30 to 67 and column 11 lines 1 to 67 and column 17 lines 34 to 67.

20. With respect to claim 40 - *The method of claim 32, further including validating the inbound address.*

White discloses that the SS7 packet signaling network validates the inbound address, refer to Figure 8 and column 10 lines 30 to 67 and column 11 lines 1 to 67 and column 17 lines 34 to 67.

21. With respect to claim 41 - *The method of claim 32, where the audio message is a facsimile message and the digital representation of the audio message is a graphics file.*

White discloses that the IP receives a facsimile message which is a graphics file, refer to Figures 2, 5, and 6 and column 9 lines 15 to 67 and column 10 lines 1 to 30.

22. With respect to claim 42 - *The method of claim 32, further including:*

determining if the audio message contains a facsimile message or a voice message; and,

White discloses that the IP comprises a processor for determining if the audio message is a facsimile message or a voice message, refer to Figures 2, 5, and 6 and column 9 lines 15 to 67 and column 10 lines 1 to 30.

digitizing the audio message if the audio message contains the voice message and receiving the facsimile message if the audio message contains the facsimile message.

White discloses that the IP can digitize the audio message and receive the facsimile message, refer to Figures 2, 5, and 6 and column 9 lines 15 to 67 and column 10 lines 1 to 30.

Response to Arguments

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Applicant's arguments with respect to claims 19-26, 28-37, and 39-42 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

1. Benash et al. (US 6,084,892) discloses a public IP transport network.

2. Mattaway et al. (US 6,009,469) discloses a graphic user interface for Internet telephony applications.

3. Ottensen et al. (US 5,930,493) discloses a multimedia server system and method for communicating multimedia information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Pezzlo whose telephone number is (703) 306-5420. The examiner can normally be reached on from 8:30 AM to 4:30 PM Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou, can be reached on (703) 305-4744. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-6296.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C.

or faxed to:

(703) 308-6296 or (703) 308-6306

For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand delivered responses should be brought to:

Receptionist (Sixth floor)

Crystal Park 2

2121 Crystal Drive

Arlington, VA.

John Pezzlo

19 July 2000

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